

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Donald James Aiello,

Petitioner,

Case No. 10-14330

v.

Hon. Nancy G. Edmunds

Cindi Curtin,

Respondent.

ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter has come before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and any objections thereto, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is further ordered that Petitioner's motion to hold his habeas application in abeyance is GRANTED, conditioned on Petitioner's (1) commencing state court proceedings on his unexhausted claims within 30 day of this Order, and (2) returning to this Court and seeking a lifting of the stay within 30 days of the conclusion of the state court proceedings.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 19, 2011

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 19, 2011, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager